IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 19954 of 2007(A)

PETITIONER:

JIZ MERIN JACOB, H.S.S.T (HISTORY),
CMS COLLEGE H.S.S, KOTTAYAM.

BY ADV. SRI.ELVIN PETER P.J.

RESPONDENTS:
---

1. THE DIRECTOR OF HIGHER SECONDARY EDUCATION, HOUSING BOARD BUILDINGS, SANTHI NAGAR, THIRUVANANTHAPURAM.

2. THE CORPORATE MANAGER, CMS SCHOOLS, DIOCESE OF MADHYA KERALA, CHURCH OF SOUTH INDIA, DIOCESAN OFFICE, CATHEDRAL ROAD, KOTTAYAM-1.

3. SMT.ANCY SUSAN ABRAHAM, HSST (HISTORY), BISHOP HODGES HSS, MAVELIKKARA.

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

- -

W.P(C) No. 19954 of 2007

- -

Dated this the 29th day of June, 2007.

J U D G M E N T

Petitioner was appointed as aHigher Secondary school Teacher in the school under the management of respondent No.2 as evident from Ext.P2. It appears that appointment was made pursuant to Ext.P1 proceedings of the Selection Committee. Petitioner was placed at rank No.1 while respondent No.3 was placed at rank No.2 in the list. The grievance of the petitioner is that while she was appointed against a post which later on turned out to be an unsanctioned post, respondent No.3 got appointment against a sanctioned post. Petitioner has now been posted as Junior HSST (History) while respondent No.3 is appointed as Higher Secondary School Teacher (Senior).

2. Petitioner has raised several contentions in support of her plea that the action of the authorities concerned is totally illegal and unsustainable. Anyhow I do not propose to deal with the above contentions raised by the petitioner at this stage, nor do I deem it necessary to issue notice to respondent No. 3. In my view, her interest also can be safeguarded if an appropriate direction is issued. Learned counsel submits that petitioner has submitted Ext.P9 representation before respondent No.1 highlighting all the relevant aspect of the issue. The limited prayer is to issue a direction to respondent No.1 to take a decision on Ext.P9 expeditiously.

3. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P9 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within 3 months from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that apart from the petitioner, respondent No.3 and the Manager are also afforded sufficient opportunity to be heard before any decision is taken in the matter.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. Basheer

Judge.

an.